

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	02: 05cr385
	)	
JELANI SOLOMON	)	

**MEMORANDUM ORDER**

Presently before the Court for disposition is the MOTION IN LIMINE REGARDING RESIDUAL DOUBT filed by the government (*Document No. 527*), the RESPONSE IN OPPOSITION filed on behalf of the Defendant (*Document No. 561*), and the OBJECTIONS TO PRELIMINARY JURY INSTRUCTION - PENALTY PHASE OF TRIAL filed on behalf of the Defendant (*Document No. 672-2*). By Memorandum Order of September 5, 2007, the Court deferred ruling on this Motion until the conclusion of the merits phase of this trial. On October 23, 2007, the jury rendered, *inter alia*, a verdict of guilty on Count Six of the Superseding Indictment. Accordingly, the motion in limine regarding residual doubt is ripe for disposition.

The Defendant, through counsel, argues in his Objections to Preliminary Jury Instructions “that the evidence adduced at trial warrants the submission of residual doubt in this case.”<sup>1</sup> The Court, after reviewing its notes from trial and reflecting upon the evidence that was adduced at trial, finds Defendant’s argument to be completely without merit as there is no

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<sup>1</sup> See ¶ 14 of said objections. Interestingly in Paragraph 11 of said Objections “the defense also objects to the language used by the Court reflecting that the verdict as being ‘final, complete, definitive’ and the directive not to ‘question or revisit any of the decisions that were made.’ ” This precise language to which the Defendant now objects was adopted and included in the Court’s preliminary jury instructions directly from “Defendant, Jelani Solomon’s, Proposed Sentencing Phase Jury Instructions,” Document No. 606, at page 2, paragraph 2.

evidence in the record, or certainly not adequate evidence in the record, to support a residual doubt mitigating factor argument.

The Court will grant the government's Motion in Limine and adopt all reasoning in the government's motion to support preclusion of any argument or instruction on "residual doubt" as a mitigating factor during the Penalty / Sentencing Phase of this case.

So **ORDERED** this 28th day of October, 2007.

BY THE COURT:

s/Terrence F. McVerry  
United States District Court Judge

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